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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,399	02/17/2004	Thomas Sutton	FLEX-00401	1875
28960	7590	08/08/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			DATSKOVSKIY, MICHAEL V	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/781,399

Applicant(s)

SUTTON ET AL.

Examiner

Michael V. Datskovskiy

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/19/04; 10/19/04; 04/21/05; 11/12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Pekka.

Pekka teaches a kit to assemble an electronic device, the kit, Figs. 1-4, comprising: a first substantially planar panel 2, including a display; a second substantially planar panel 6 including a first interface and coupled by a hinge 8 to the first side edge of the first panel 2; a third substantially planar panel 6 including a second interface and coupled by a hinge 8 to the second side edge of the first panel 2; said kit is assembled such that in a first (closed) position the first and second interfaces are obscured, and when the device is in a second (open) position the first and second interfaces are exposed. Pekka teaches furthermore said panels exchange electronic data signals, and when the device in the second position the display is selectively controlled by the first or second or both interfaces together. Pekka teaches furthermore said panels can be selected from a set of panels shown in Figs. 3A-3G, which could be assembled to operate as: In regard to claims 15, 19: a gamer device (Fig. 3E); In regard to claims 16, 20: a music listening device (radio, Fig. 3F); In regard to claims 17, 18: collectively form a PDA keyboard

panel (Fig. 3D); Pekka also teach said kit comprises a panel shown in Fig. 3B comprising a third interface - a touchpad, which is exposed in the second position (in addition to the second interface - keyboard). Regarding to the claims 1-12: the method claims are inherently necessitated by the device structure, as Pekka teaches it.

3. Claims 1-24 are also rejected under 35 U.S.C. 102(e) as being anticipated by Finke-Anlauff (US Patent 6,580,932).

Finke-Anlauff teaches a kit to assemble an electronic device, the kit, Figs. 1-5, comprising: a first substantially planar panel 2, including a display 3; a second substantially planar panel 6 including a first interface 10 and coupled by a hinge 8 to the first panel 2; a third substantially planar panel 5 including a second interface 11 and coupled by a hinge to the first panel 2; said kit is assembled such that in a first (closed) position the first and second interfaces are obscured, and when the device is in a second (open) position the first and second interfaces are exposed. Finke-Anlauff teaches furthermore said panels exchange electronic data signals, and when the device in the second position the display is selectively controlled by the first or second or both interfaces together. Finke-Anlauff teaches furthermore said panels can be selected from a set of panels allowing to assemble a keyboard panel, a gaming panel shown in Fig. 5, or a PDA panel. Finke-Anlauff also teach said kit comprises a panel shown in Fig. 1 comprising a third interface 9, which is exposed and controls the display in the first position. Regarding to the claims 1-12: the method claims are inherently necessitated by the device structure, as Finke-Anlauff teaches it.

Art Unit: 2835

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy  
Primary Examiner  
Art Unit 2835

08/05/2005